

**NOTICE OF PROPOSED RULEMAKING
BY
CALIFORNIA STATE LANDS COMMISSION**

**REGARDING THE 2007 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

CHAPTER 31F, MARINE OIL TERMINALS

Notice is hereby given that the California State Lands Commission (CSLC) proposes to adopt regulations. The CSLC is proposing to modify Title 24, California Code of Regulations, Part 2, Chapter 31F, Marine Oil Terminals.

PUBLIC COMMENT PERIOD

The CSLC Staff will hold a public hearing. It will start at 10:00 a.m. on February 24, 2009, at the Port of Long Beach Board Room, 925 Harbor Plaza, Long Beach, CA 90802. The location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing they attend.

This notice, express terms and initial statement of reasons are also displayed on the CSLC website.

Written comments will be accepted by the California State Lands Commission regarding the proposed changes until 5:00 pm on February 24, 2009.

Please address your comments to:

Attention: Ravindra Varma
Marine Facilities Division
State Lands Commission
200 Oceangate, Suite 900
Long Beach, CA 90802

Written comments may also be submitted by facsimile to (562) 499-6317, attention Ravindra Varma or by e-mail to "varmar@slc.ca.gov".

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CSLC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CSLC adopts, amends, or repeals the regulation(s). CSLC will accept written comments on the modified building standards during the 15-day period, if applicable.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Public Resources Code (P.R.C.) Section 8755 directs the Commission to adopt rules, regulations and guidelines for reviewing the location, type character, performance standards, size and operation of all

existing and proposed marine terminals within the state. The proposed changes in regulations would implement, interpret, or make specific the required actions by the marine oil terminals as per references cited in Title 24, California Code of Regulations, Part 2, Chapter 31F. There is no change in authority and reference of the proposed regulatory action.

INFORMATIVE DIGEST

Chapter 31F, Marine Oil Terminals, of the 2001 California Code of Regulations, Title 24, Part 2, California Building Code was published on August 10, 2005 and became effective on February 6, 2006. Subsequently, the Commission's staff determined that a number of sections needed to be updated as the result of reports or studies conducted for the Marine Facilities Division of the CSLC. Additionally, many other changes including, but not limited to, the updating of references, correction of typographical and transcription errors were necessary. The California Building Standards Commission has in the mean time updated the 2001 California Building Code to the 2007 version. The following sections of Title 24, Part 2, Chapter 31F, California Building Code will be affected by the proposed regulatory action:

<u>Section</u>	<u>Title</u>
3102F.1.2	Audit and Inspections Types (Table 31-F2-1)
3102F.1.3	Berthing Systems
3102F.3.2	Overview
3102F.3.3.2	Subsequent Audits
3102F.3.4.3	Structural Inspection Team
3102.3.4.8	Geotechnical Analyst
3102F.3.5.2	Underwater Structural Inspection (including Tables 31F-2-3 and 31F-2-4)
3102F.3.6.1	Terminal Operating Limits (Figure 31F-2-1)
3102F.3.6.3	Structure (including Table 31F-2-5)
3102F.3.7	Follow-up Actions (Table 31F-2-7)
3102F.4.4	Post-Event Ratings (including Table 31F-2-8)
3102F.5	References
3103F.4.2.2	Earthquake Motions from USGS Maps
3103F.4.2.3	Earthquake Motions from Site-Specific Probabilistic Seismic hazard Analyses (including Table 31F-3-3 and Figure 31F-3-1)
3103F.4.2.5	Site-Specific Evaluation of Amplification Effects
3103F.4.2.6	Directivity Effects
3103F.4.2.7	Deterministic Earthquake Motions
3103F.5.1	General
3103F.5.2.1.2	Survival Condition
3103F.5.2.3	Static Wind Loads on Vessels
3103F.5.3.1	Design Current Velocity
3103F.5.2.2	Wind Speed Corrections (Figure 31F-3-3 Caption)
3103F.5.3.2	Current Velocity Adjustment Factors (Figure 31F-3-4 Caption)
3103F.5.3.3	Static Current Loads
3103F.5.3.4	Sea Level Rise (SLR)
3103F.5.4	Wave Loads
3103F.5.5	Passing Vessels
3103F.5.7	Tsunamis (including Table 31F-3-8)
3103F.6.1	General
3103F.6.3	Geometric Coefficient (C_g)
3103F.6.5	Configuration Coefficient (C_c)
3103F.6.6	Effective Mass or Virtual Mass Coefficient (C_m)
3103F.6.7	Berthing Velocity and Angle
3103F.7.2	Wind Loads
3103F.8	Load Combinations (including Tables 31F-3-12 and 31F-3-13)
3103F.10.1	Quick Release Hooks
3103F.10.2	Other Fittings (Table 31F-3-15)
3103F.13	References

3104F.2.3.2	Nonlinear Static Demand Procedure
3104F.2.3.2.5	Refined Analyses (Figure 31F-4-4)
3104F.4.5	Shear Key Forces
3104F.4.7	Batter Piles
3104F.8	References
3105F.1.5	Analyses and Design of Mooring Components
3105F.2	Mooring Analyses
3105F.3.2	Passing Vessels
3105F.3.3	Seiche
3105F.4	Berthing Analyses and Design
3105F.4.5	Design and Selection of New Fender Systems
3105F.7	References
3106F.4.2	Simplified Ground Movement Analysis
3106F.5.1	Soil Parameters
3106F.8	References
3107F.1.2	Applicability
3107F.2.1.1	Material Properties (Including Table 31F-7-2)
3107F.2.5.5.2	Confined Concrete Piles (Equation 7-12)
3107F.2.5.4	Plastic Rotation (Table 31F-7-5)
3107F.2.5.7	Shear Capacity (Strength) (including Title)
3107F.2.6.2	Stability
3107F.2.6.5	Component Acceptance / Damage Criteria
3107F.2.6.6	Shear Capacity Strength (including title)
3107F.2.7.1	Joint Shear Capacity
3107F.2.9	Concrete Pile Caps with Concrete Deck
3107F.2.9.1	General (removal of section)
3107F.2.9.2	Plastic Hinge Length (removal of section)
3107F.2.9.3	Ultimate Concrete and Steel Flexural Strains (removal of section)
3107F.2.9.4	Component Acceptance / damage Criteria (renumbering of section)
3107F.2.9.5	Shear Capacity (strength) (renumbering of section)
3107F.3.1	Component Strength (including Table 31F-7-7)
3107F.3.3.2	Displacement Capacity
3107F.3.3.3	Component Acceptance /Damage Criteria
3107F.3.3.4	Shear Capacity (including title)
3107F.4	Retaining Structures (new text)
3107F.4	Mooring and Berthing Components (renumbering of section)
3107F.4.1	Component Strength (renumbering of section)
3107F.4.2	Mooring and Berthing Component Demand (renumbering of section)
3107F.4.3	Capacity of Mooring and Berthing Components (renumbering of section)
3107F.5	Symbols (renumbering of section)
3107F.6	References (renumbering of section)
3108F.2.2	Fire Plan
3108F.2.3	Cargo Liquid and Fire Hazard Classification (Table 31F-8-1)
3108F.6	Fire Suppression (Table 31F-8-3)
3108F.6.2	Fire Hydrants
3108F.6.3	Fire Water
3108F.7	References
3109F.7	References
3110F.5	Shore-to-Vessel Access for Personnel
3110F.8	Equipment Anchors and Supports
3110F.9	References

After Chapter 31F became effective, the Marine Facilities Division (MFD) of the CSLC held three workshops (two on 2/15/2006 at the MFD office in Long Beach and one on 3/1/2006 at our Northern

California Field Office in Hercules) and two question and answer sessions (on 8/30/2007 and 3/20/2008) at the Hercules office. They were attended by the regulated community, consulting engineers and other interested persons. At these workshops, staff of the MFD discussed the effects of Chapter 31F and presented the subject items and the proposed corrections thereto. There were no complaints, discussions or comments from the regulated community or consulting engineering firms, regarding these items. We also indicated, at these workshops, that updates of some sections were imminent, because of new data from studies funded by the CSLC.

Summary of Existing Laws:

As under Section 6111 of the Public Resources Code (PRC), the CSLC is not to adopt building standards directly. In accordance with instructions from the California Building Standards Commission staff, the CSLC is therefore promulgating the proposed Amendments to the 2007 California Code of Regulations (CCR), Title 24, Part 2, California Building Code, Chapter 31F, Marine Oil Terminals.

PRC Section 8755 states, in part, "...the commission shall adopt, rules, regulations, guidelines, and commission leasing policies for reviewing the location, type, character, performance standards, size, and operation of all existing and proposed marine terminals within the state, whether or not on lands leased from the commission, and all other marine facilities on lands under lease from the commission to minimize the possibilities of a discharge of oil. Rules, regulations, and guidelines adopted by the commission shall not conflict with regulations of the Administrator or the Coast Guard. The commission shall ensure that the rules, regulations, guidelines, and commission lease covenants provide the best achievable protection of public health and safety and the environment..."

The CSLC believes that the proposed amendments to the standards will enhance these mandates.

Summary of Existing Regulations: The 2007 California Code of Regulations (CCR), Title 24, Part 2, California Building Code, Chapter 31F, Marine Oil Terminals are the only regulations relating to the engineering analysis, design, rehabilitation, inspection, or maintenance of marine oil terminals.

Summary of Effect:

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other non-discretionary costs or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Comparable Federal Statute or Regulations None

Policy Statement Overview As mandated in PRC 8750-8760 the CSLC intends to prevent oil spills and protect the public health and safety and the environment. The CSLC believes the proposed amendments to the exiting standards will better meet the mandates of these PRC sections and provide a better level of spill prevention and protection of the public health and safety and the environment than currently exists.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

None

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CSLC has determined that the proposed regulatory action would not impose a reimbursable mandate on local governments, mandate on local agencies or school districts.

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

CSLC has determined there will not be a significant statewide adverse economic impact on businesses, as these proposed amendments correct, update and modify the current code relating to marine oil terminals.

- A. Identification of the types of businesses that would be affected: Marine Oil Terminals
- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action: The proposed action would add the requirement of the generation of a "Tsunami Plan" for each of the marine oil terminals, based on the information provided in the proposed changes to the Code.
- C. The CSLC has made an initial determination that the adoption of these proposed amendments to the California Building Code will not have a statewide adverse economic impact on businesses, including the ability of California businesses to compete in other states. Private businesses (owners and operators of Marine Oil Terminals) will not incur costs as a result of these proposed amendments to the standards.

The CSLC has not received and therefore has not considered any proposed alternatives that would lessen any adverse impact on business and invites interested parties to submit proposals that may be equally effective and less burdensome. Per Gov.C.11346.5(a) (7), submissions may include the following considerations:

- (i) The establishments of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

PRC 8755(a) states, in part, that "...The Commission (CSLC) shall ensure that the rules, regulations, guidelines, and commission lease covenants provide the best achievable protection of public health and safety and the environment..." The Commission believes these proposed amendments to the standards help provide the protection mandated and finds that as per Gov. Code 11346.3(c) it is necessary for the protection of public health and safety and the environment, or welfare of the people of the state that regulations apply to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CSLC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The purpose of these proposed amendments to existing standards is to update references and correct identified errors, some of which are typographical. Additionally, several sections needed to be updated as the result of reports or studies conducted for the Marine Facilities Division of the CSLC. These changes will continue to ensure that the facilities regulated by these standards are fit-for-purpose and that the best achievable protection of the public health, safety, environment and the state's infrastructure will continue to be achieved.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CSLC has assessed whether or not and to what extent this proposal will affect the following:

1. The creation or elimination of jobs within the State of California.

The proposed amendments to Chapter 31F of the California Building Code will not create jobs within California, because they only correct or slightly modify the existing Code and do not change the overall effect of it.

2. The creation of new businesses or the elimination of existing businesses within the State of California.

It will not create new businesses or eliminate existing businesses within California.

3. The expansion of businesses currently doing business with the State of California.

The proposed will not affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CLSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CSLC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

To date, no other alternatives have been presented to or considered by the CSLC, regarding the proposed amendments to the 2007 Title 24, CCR, Part 2 California Building Code, Chapter 31F.

The CSLC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing(s) or during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed amendments to the standards are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California State Lands Commission website:

http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html

CSLC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Ravindra Varma, Supervisor, Planning Branch
Marine Facilities Division
California State Lands Commission
200 Oceangate, Suite 900
Long Beach, CA 90802
562-499-6400
562-499-6317 (fax)
varmar@slc.ca.gov

Please direct requests for copies of the proposed text of the standards, the initial statement of reasons, the modified text of the proposed standards, if any, or other information upon which the rulemaking is based to Mr. Ravindra Varma at the above address.

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Martin L. Eskijian, P.E., Supervising Engineer
Marine Facilities Division
California State Lands Commission
200 Oceangate, Suite 900
Long Beach, CA 90802
562-499-6312
562-499-6317(fax)
eskijim@slc.ca.gov

FINAL STATEMENT OF REASONS

If the proposed amendments are adopted, the CSLC will prepare a Final Statement of Reasons. This document will update the Initial Statement of Reasons and respond to public comments. The documents can be obtained from the CSLC contact persons named in this notice. The Final Statement of Reasons will also be available on the website of the CSLC:

http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html